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10/688,527	10/17/2003	Maarten Menzo Wentink	050337-1160 (05CXT0054WL)	7957
24504 7590 12/28/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 600 GALLERIA PARKWAY, S.E. STE 1500 ATLANTA, GA 30339-5994			EXAMINER ANDREWS, LEON T	
			ART UNIT 2616	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/688,527

**Applicant(s)**

WENTINK, MAARTEN MENZO

**Examiner**

Leon Andrews

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

- Applicant's Amendment filed October 12, 2007 is acknowledged.
- **Claims 6, 8, 16, 24, 26 and 34** were amended.
- Examiner's Rejection to **Claims 1-37** is not withdrawn.

1. **Claims 1-37** are rejected under 35 U.S.C. 102(e) as being anticipated by Awater et al. (Patent No.: US 7,046,649 B2).

**Regarding Claim 1**, Awater et al. discloses a method (method, column 3, line 52) comprising:

determining a power save status of a first station (park mode of the Bluetooth radio, column 8, lines 3-4) wherein said first station communicates via a shared-communications channel (Fig. 4, HV1) in accordance with a first modulation scheme (Frequency Shift Keying (FSK) modulation, column 8, lines 44-45); and

enabling transmission protection at a second station (IEEE 802.11 radio transceiver, column 4, line 24) via said shared-communications channel wherein said enabling is dependent on said power save status (deactivation of first station whilst IEEE 802.11 transmission takes place, column 8, lines 5-6).

**Regarding Claim 2**, Awater et al. discloses the method of claim 1 wherein said determining comprises:

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transmitting one of a Request-to-Send frame (RTS, request-to-send, column 8, lines 19-20), a Data frame, and a Null frame to said first station via said shared-communications channel in accordance with said first modulation scheme; and

receiving one of an Acknowledgement frame (acknowledgement, (ACK) frame, column 8, lines 18-19) and a Clear-to-Send frame (CTS, clear-to-send, column 8, lines 19-20) from said first station.

**Regarding Claim 3**, Awater et al. discloses the method of claim 1 wherein said enabling comprises broadcasting a management frame (management frames, column 2, line 8) via said shared-communications channel.

**Regarding Claim 4**, Awater et al. discloses the method of claim 3 wherein said management frame is one of:

(i) a Beacon frame (Beacon frames sent at a regular interval by an AP, column 2, lines 5-6) indicating that protection status is active; and

(ii) a Probe-Response frame (Probe Response frames sent by AP, column 2, lines 9-10) indicating that protection status is active (Probe Request frames sent by the STA are followed by the Probe Response frames sent by the AP which allows the STA to actively scan whether there is an AP operating on a certain channel frequency and to show what parameter settings this AP is using, column 2, lines 8-13).

**Regarding Claim 5**, Awater et al. discloses the method of claim 3 wherein said first modulation

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scheme is based on one of Barker modulation and Complementary Code Keying modulation (CCK, Complementary Code Keying, column 1, lines 43-44).

**Regarding Claim 6**, Awater et al. discloses a method comprising:

receiving a first frame from a station (Probe Request frames which are sent by an STA, column 2, lines 8-9) via a shared-communications channel (Fig. 4, HV1) wherein said station communicates in accordance with a first modulation scheme (Frequency Shift Keying (FSK) modulation, column 8, lines 44-45);

determining whether the station is in power save mode (Bluetooth radio system is deactivated into a Park/Hold mode whilst the IEEE 802.11 transmission takes place (columns 7 and 8, lines 65-67 and 1-10 respectively). This causes Bluetooth radio system to be in a power save mode since the Bluetooth transmission is held back); and

broadcasting an IEEE 802.11 Probe-Response frame (Probe Response frames sent by the AP, column 2, lines 9-10) via said shared-communications channel in response to said receiving;

wherein said IEEE 802.11 Probe-Response frame indicates that protection status is active (Probe Request frames sent by the STA are followed by the Probe Response frames sent by the AP which allows the STA to actively scan whether there is an AP operating on a certain channel frequency and to show what parameter settings this AP is using, column 2, lines 8-13).

**Regarding Claim 7**, Awater et al. discloses the method of claim 6 wherein said first modulation scheme is based on one of Barker modulation and Complementary Code Keying modulation (CCK, Complementary Code Keying, column 1, lines 43-44).

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**Regarding Claim 8**, Awater et al. discloses a method (method, column 3, line 52) comprising alternately enabling (enable both radio systems to function together, column 8, line 38) and disabling (Bluetooth radio system is deactivated whilst an IEEE 802.11 transmission takes place, column 8, lines 5-6) transmission protection at a first station (Bluetooth radio transceiver, column 4, line 25) that communicates via a shared-communications channel (Fig. 4, HV1) in accordance with a first modulation scheme (Frequency Shift Keying (FSK) modulation, column 8, lines 44-45);

wherein said first modulation scheme is undetectable to a second station (IEEE 802.11 radio transceiver, column 4, line 24) that communicates via said shared-communications channel in accordance with a second modulation scheme (PPM, pulse position modulation, column 1, lines 39-40) wherein the enabling or disabling of the transmission protection is associated with a determination of whether the first station is in a power save mode (Bluetooth radio system is deactivated whilst an IEEE 803.11 transmission takes place thereby enabling transmission protection while the Bluetooth radio system in the power save mode); and

wherein said first modulation scheme and said second modulation scheme are different from each other.

**Regarding Claim 9**, Awater et al. discloses the method of claim 8 wherein said enabling and said disabling are periodic (transmit periodically, column 8, lines 12-13) with respect to one of (i) frames transmitted and (ii) time (Fig. 4, TS1).

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**Regarding Claim 10**, Awater et al. discloses the method of claim 8 wherein said enabling and said disabling are sporadic (transmit and receive periodically, column 8, lines 12-13) with respect to one of (i) frames transmitted and (ii) time (Fig. 4, TS1).

**Regarding Claim 11**, Awater et al. discloses the method of claim 8 further comprising extending transmission protection for a first interval (Fig. 4, TS1) when receiving a first frame (Probe Request frames which are sent by an STA, column 2, lines 8-9) from said second station while transmission protection is enabled, wherein said first interval is measured in one of (i) time (Fig. 4, TS1) and (ii) frames.

**Regarding Claim 12**, Awater et al. discloses the method of claim 8 further comprising activating protection for a first interval (Fig. 4, TS1) when receiving a first frame (Probe Request frames which are sent by an STA, column 2, lines 8-9) from said second station while transmission protection is disabled, wherein said first interval is measured in one of (i) time (Fig. 4, TS1) and (ii) frames.

**Regarding Claim 13**, Awater et al. discloses the method of claim 8 wherein said enabling comprises transmitting a first management frame (management frames, column 2, line 8) via said shared-communications channel.

**Regarding Claim 14**, Awater et al. discloses the method of claim 13 wherein said first management frame is one of:

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(i) a Beacon frame (Beacon frames sent at a regular interval by an AP, column 2, lines 5-6) indicating that protection status is active; and

(ii) a Probe-Response frame (Probe Response frames sent by the AP, column 2, lines 9-10) indicating that protection status is active (Probe Request frames sent by the STA are followed by the Probe Response frames sent by the AP which allows the STA to actively scan whether there is an AP operating on a certain channel frequency and to show what parameter settings this AP is using, column 2, lines 8-13).

**Regarding Claim 15**, Awater et al. discloses the method of claim 8:

wherein said first modulation scheme is based on one of Barker modulation and Complementary Code Keying modulation (CCK, Complementary Code Keying, column 1, lines 43-44); and

wherein said second modulation scheme is based on Orthogonal Frequency Division Multiplexing modulation (OFDM, Orthogonal Frequency Division Multiplexing, column 1, lines 47-48).

**Regarding Claim 16**, Awater et al. discloses a method (method, column 3, line 52) comprising:

transmitting a first frame (Probe Request frames which are sent by an STA, column 2, lines 8-9) comprising a duration field value (Fig. 3, duration of HV-I is 330 us, column 8, lines 60-61) to a first station (Bluetooth radio transceiver, column 4, line 25) via a shared-communications channel (Fig. 4, HV1) in accordance with a first modulation scheme (Frequency Shift Keying (FSK) modulation, column 8, lines 44-45);



receiving a second frame (Beacon frames sent at a regular interval by an AP, column 2, lines 5-6) from a second station (IEEE 802.11 radio transceiver, column 4, line 24) via said shared-communications channel in accordance with a second modulation scheme (PPM, pulse position modulation, column 1, lines 39-40) during a time interval (Fig. 4, TS1 – TS8) defined by said duration field value;

determining whether the second station is in power save mode (IEEE 802.11 transmission is held back or in the Park mode if the Bluetooth ACL packet transmission or reception is in progress (column 11, lines 1-6). This causes the IEEE 802.11 to be in a power save mode since it is being held back); and

receiving a third frame (Probe Response frames sent by the AP, column 2, lines 9-10) via said shared-communications channel in accordance with said first modulation scheme after said time interval (Fig. 4, TS3);

wherein said first modulation scheme is undetectable to said second station; and

wherein said first modulation scheme and said second modulation scheme are different from each other.

**Regarding Claim 17,** Awater et al. discloses the method of claim 16:

wherein said first modulation scheme is based on Orthogonal Frequency Division Multiplexing modulation (OFDM, Orthogonal Frequency Division Multiplexing, column 1, lines 47-48); and

wherein said second modulation scheme is based on one of Barker modulation and Complementary Code Keying modulation (CCK, Complementary Code Keying, column 1, lines

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43-44).

**Regarding Claim 18**, Awater et al. discloses the method of claim 16 wherein said transmitting is one of (i) periodic (periodic transmissions, claim 29, column 15, line 40) and (ii) sporadic.

**Regarding Claim 19**, Awater et al. discloses the method of claim 16 wherein said frame is a Clear-to-Send frame (CTS, clear-to-send, column 8, lines 19-20) and said first station is the sender of said frame.

**Regarding Claim 20**, it is the corresponding apparatus claim to method **Claim 1**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 21**, it is the corresponding apparatus claim to method **Claim 3**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 22**, it is the corresponding apparatus claim to method **Claim 4**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 23**, it is the corresponding apparatus claim to method **Claim 5**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 24**, it is the corresponding apparatus claim to method **Claim 6**. Therefore, it is

rejected for the same reasons explained above.

**Regarding Claim 25**, it is the corresponding apparatus claim to method **Claim 7**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 26**, Awater et al. discloses an apparatus (Bluetooth radio transceiver, column 4, line 25) comprising:

a receiver (Bluetooth radio transceiver, column 4, line 25) for receiving in accordance with a first modulation scheme (Frequency Shift Keying (FSK) modulation, column 8, lines 44-45) and a second modulation scheme (PPM, pulse position modulation, column 1, lines 39-40) via a shared-communications channel (Fig. 4, HV1); and

a transmitter (Bluetooth radio transceiver, column 4, line 25) for alternately enabling (enable both radio systems to function together, column 8, line 38) and disabling (Bluetooth radio system is deactivated whilst an IEEE 802.11 transmission takes place, column 8, lines 5-6) transmission protection at a first station (Bluetooth radio transceiver, column 4, line 25) responsive to determining that the station is in power save mode (Bluetooth radio system is deactivated into a Park/Hold mode whilst the IEEE 802.11 transmission takes place (columns 7 and 8, lines 65-67 and 1-10 respectively). This causes Bluetooth radio system to be in a power save mode since the Bluetooth transmission is held back), wherein the first station communicates via a shared-communications channel (Fig. 4, HV1) in accordance with a first modulation scheme (Frequency Shift Keying (FSK) modulation, column 8, lines 44-45);

wherein said first modulation scheme is undetectable to a second station (IEEE 802.11 radio transceiver, column 4, line 24) that communicates via said shared-communications channel in accordance with a second modulation scheme (PPM, pulse position modulation, column 1, lines 39-40); and

wherein said first modulation scheme and said second modulation scheme are different from each other.

**Regarding Claim 27**, it is the corresponding apparatus claim to method **Claim 9**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 28**, it is the corresponding apparatus claim to method **Claim 10**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 29**, it is the corresponding apparatus claim to method **Claim 11**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 30**, it is the corresponding apparatus claim to method **Claim 12**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 31**, it is the corresponding apparatus claim to method **Claim 13**. Therefore, it is rejected for the same reasons explained above.

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**Regarding Claim 32**, it is the corresponding apparatus claim to method **Claim 14**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 33**, it is the corresponding apparatus claim to method **Claim 15**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 34**, it is the corresponding apparatus claim to method **Claim 16**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 35**, it is the corresponding apparatus claim to method **Claim 17**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 36**, it is the corresponding apparatus claim to method **Claim 18**. Therefore, it is rejected for the same reasons explained above.

**Regarding Claim 37**, it is the corresponding apparatus claim to method **Claim 19**. Therefore, it is rejected for the same reasons explained above.

***Citation of Pertinent Prior Art***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Hirsch et al.** (Pub. No.: US 2003/0128684 A1) discloses coexistence of modulation schemes in a WLAN.

**Kandala** (Pub. No.: US 2004/0131019 A1) discloses system and method for synchronizing an IEEE 802.11 power-save interval.

**Sherman** (Pub. No.: US 2006/0002357 A1) discloses method for enabling interoperability between data transmission systems conforming to IEEE 802.11 and HIPERLAN standards.

***Response to Arguments***

3. Applicant's arguments filed October 12, 2007 have been fully considered, but they are not persuasive.

- In the remarks on page 15 of the amendment, applicant contends that Awater et al. did not disclose, teach or suggest 'determining a power save status of a first station' and did not anticipate claim 1. As such, the rejection should be withdrawn. Further, since independent claim 1 is allowable, dependent claims 2-5 are also allowable since they contain all the features of claim 1.
- The examiner respectfully disagrees and contends that Awater et al. discloses that the Bluetooth radio system is deactivated into a Park/Hold mode whilst the IEEE 802.11 transmission takes place (columns 7 and 8, lines 65-67 and 1-10 respectively). This causes Bluetooth radio system to be in a power save mode since the Bluetooth transmission is held back. Thus, claim 1 was anticipated and the rejection would not be withdrawn. Consequently, claim 1 and dependent claims 2-5 are not allowable.

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- In remarks on pages 16 and 17 of the amendment, applicant contends that Awater et al. did not disclose, teach or suggest 'determining whether the station is in power save mode' and did not anticipate claim 6. As such, the rejection should be withdrawn. Further, since independent claim 6 is allowable, dependent claim 7 is also allowable since it contains all the features of claim 6. Thus, the rejection to claim 7 should be withdrawn and the claim allowed.
- The examiner respectfully disagrees and contends that Awater et al. discloses that the Bluetooth radio system is deactivated into a Park/Hold mode whilst the IEEE 802.11 transmission takes place (columns 7 and 8, lines 65-67 and 1-10 respectively). This causes Bluetooth radio system to be in a power save mode since the Bluetooth transmission is held back. Thus, claim 6 was anticipated and the rejection of claims 6 and 7 would not be withdrawn. Consequently, claim 6 and dependent claim 7 are not allowable.
- In remarks on pages 18 and 19 of the amendment, applicant contends that Awater et al. did not disclose, teach or suggest 'enabling or disabling of the transmission protection is associated with a determination of whether the first station is in a power save mode' and did not anticipate claim 8. As such, the rejection should be withdrawn. Further, since independent claim 8 is allowable, dependent claims 9-15 are also allowable since they contain all the

features of claim 8. Thus, the rejection to claims 9-15 should be withdrawn and the claims allowed.

- The examiner respectfully disagrees and contends Awater et al. discloses that the Bluetooth radio system is deactivated whilst an IEEE 803.11 transmission takes place thereby enabling transmission protection while the Bluetooth radio system in the power save mode. As such, claim 8 was anticipated and the rejection to claim 8 and 9-15 would not be withdrawn. Further, claim 8 and dependent claims 9-15 are not allowable.
- In remarks on pages 19 and 20 of the amendment, applicant contends that Awater et al. did not disclose, teach or suggest 'determining whether the second station is in power save mode' and did not anticipate claim 16. As such, the rejection should be withdrawn. Further, since independent claim 16 is allowable, dependent claims 17-19 are also allowable since it contains all the features of claim 16. Thus, the rejection to claim 17-19 should be withdrawn and the claims allowed.
- The examiner respectfully disagrees and contends that Awater et al. discloses that the IEEE 802.11 transmission is held back or in the Park mode if the Bluetooth ACL packet transmission or reception is in progress (column 11, lines 1-6). This causes the IEEE 802.11 to be in a power save mode since it is being held back. Thus, claim 16 was anticipated and the rejection to claims



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16 and 17-19 would not be withdrawn. Further, claim 16 and dependent and dependent claims 17-19 are not allowable.

- In remarks on paged 21 and 22 of he amendment. applicant contends that Awater et al. did not disclose, teach or suggest 'a processor for determining a power save status of a first station' and did not anticipate claim 20. As such, the rejection should be withdrawn. Further, since independent claim 20 is allowable, dependent claims 21-23 are also allowable since it contains all the features of claim 20. Thus, the rejection to claim 21-23 should be withdrawn and the claims allowed.
- The examiner respectfully disagrees and contends that Awater et al. discloses that the Bluetooth radio system is deactivated into a Park/Hold mode whilst the IEEE 802.11 transmission takes place (columns 7 and 8, lines 65-67 and 1-10 respectively). This causes Bluetooth radio system to be in a power save mode since the Bluetooth transmission is held back. Thus, claim 20 was anticipated and the rejection to claim 20 and 21-23 would not be withdrawn. Consequently, claims 20 and dependent claims 21-23 are not allowable.
- In remarks on pages 22 and 23, applicant contends that Awater et al. did not disclose, teach or suggest 'a receiver for determining whether the station is in power save mode' and did not anticipate claim 24. As such, the rejection should be withdrawn. Further, since independent claim 24 is allowable,

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dependent claim 25 is also allowable since it contains all the features of claim 24. Thus, the rejection to claim 25 should be withdrawn and the claim allowed.

- The examiner respectfully disagrees and contends that Awater et al. discloses that the Bluetooth radio system is deactivated into a Park/Hold mode whilst the IEEE 802.11 transmission takes place (columns 7 and 8, lines 65-67 and 1-10 respectively). This causes Bluetooth radio system to be in a power save mode since the Bluetooth transmission is held back. Thus, claim 24 was anticipated and the rejection for claims 24 and 25 would not be withdrawn. Consequently, claim 24 and dependent claims 25 are not allowable.

- In remarks on pages 23 and 24, applicant contends that Awater et al. did not disclose, teach or suggest 'a transmitter for alternately enabling and disabling transmission protection at a first station responsive to determining that the first station is in power save mode, wherein the first station communicates via a shared communications channel in accordance with a first modulation scheme' and did not anticipate claim 26. As such, the rejection should be withdrawn. Further, since independent claim 26 is allowable, dependent claims 27-33 are also allowable since it contains all the features of claim 26. Thus, the rejection to claim 27-33 should be withdrawn and the claims allowed.

- The examiner respectfully disagrees and contends Awater et al. discloses that the Bluetooth radio system is deactivated whilst an IEEE 803.11 transmission takes place thereby enabling transmission protection while the Bluetooth radio system is in the power save mode, wherein first station communicates via a shared-communications channel (Fig. 4, HV1) in accordance with a first modulation scheme (Frequency Shift Keying (FSK) modulation, column 8, lines 44-45). As such, claim 26 was anticipated and the rejection to claims 26 and 27-33 would not be withdrawn. Further, claims 26 and dependent claims 27-33 are not allowable.
- In remarks on pages 25 and 26 of the amendment, applicant contends that Awater et al. did not disclose, teach or suggest 'determining whether the second station is in power save mode' and did not anticipate claim 34. As such, the rejection should be withdrawn. Further, since independent claim 34 is allowable, dependent claims 35-37 are also allowable since it contains all the features of claim 34. Thus, the rejection to claim 35-37 should be withdrawn and the claims allowed.
- The examiner respectfully disagrees and contends that Awater et al. discloses that the IEEE 802.11 transmission is held back or in the Park mode if the Bluetooth ACL packet transmission or reception is in progress (column 11, lines 1-6). This causes the IEEE 802.11 to be in a power save mode since it is being held back. Thus, claim 34 was anticipated and the rejection to claims

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34 and 35-37 would not be withdrawn. Further, claim 34 and dependent and dependent claims 35-37 are not allowable.

- In remarks on page 28 of the amendment, applicant contends that claims 1-37 are in condition for allowance and requests reconsideration.
- The examiner respectfully disagrees and contends that claims 1-37 are not in condition for allowance.

### *Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon Andrews whose telephone number is (571) 270-1801. The examiner can normally be reached on Monday through Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rao S. Seema can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LA/la LA  
June 29, 2007

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